



**TOWN OF HARPSWELL
PLANNING BOARD MINUTES
SEPTEMBER 15, 2004
Approved October 20, 2004**

MEMBERS PRESENT

Sam Alexander, Chairman
John Papacosma, Vice Chairman
Dorothy Carrier
Joanne Rogers
James Carignan

MEMBERS ABSENT

Henry Korsiak

STAFF PRESENT

Jay Chace, Planner
Marsha Hinton, Recording Secretary

The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order on September 15, 2004, at 6:30 p.m. by Sam Alexander, Chairman.

Sam Alexander, Chairman, introduced Gordon Weil, Selectman.

Gordon Weil, Selectman, stated that the Selectmen would like to express their appreciation for the work that the Planning Board does. Selectman Weil also wanted to remind the Planning Board and members of the public of the following:

1. That the job of the Planning Board is to administer town ordinances as the town adopts them and that adherence to the town ordinances is essential. 2. That the selectmen receive the documentation on each individual application and the selectmen are parties to every proceeding of the Planning Board as a process of state law; and 3. That an issue of conflict of interest which presents itself to the Planning Board is something that is decided by the Planning Board, not the applicant or even the individual that perceives a conflict of interest.

Minutes of August 18, 2004

**JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO ACCEPT THE MINUTES AS PRINTED.
UNANIMOUS APPROVAL.**

OLD BUSINESS

John Moore, owner, asked the Planning Board to hear his request after Item 2. The Planning Board held discussion and agreed to hear Agenda Item 1 after Agenda Item 2.

ITEM 2

04-08-01 WILLIAM COOMBS, (THOMAS LEAHY – OWNER), SUBDIVISION REVIEW; PROPOSED LOT DIVISION, INTERIOR, TAX MAP 41-73-1, HOLLY HILL ROAD, HARPSWELL.

Sam Alexander described the Board visit to the Leahy site. William Coombs described how this application qualifies as a minor subdivision and stated he was willing to answer any questions that the Board may have. Mr. Coombs also requested a waiver of the map ratio and contours. Mr. Coombs directed the Planning Board's attention to the Leahy's memorandum dated August 2004.

SAM ALEXANDER MOVED, SECONDED BY JOANNE ROGERS, THAT APPLICATION 04-08-01 SUBDIVISION REVIEW FOR A PROPOSED LOT DIVISION IS A MINOR SUBDIVISION. UNANIMOUS APPROVAL.

PLANNING BOARD CONSIDERATION OF SUBDIVISION ORDINANCE SECTION 8.3.2

Section 8.3.2.1 Proposed Name of the Subdivision Plan.

**DOROTHY CARRIER MOVED, SECONDED BY SAM ALEXANDER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.1 THAT THE NAME OF THE SUBDIVISION HAS BEEN IDENTIFIED.
UNANIMOUS APPROVAL.**

Section 8.3.2.2 Tax Map

JOANNE ROGERS MOVED, SECONDED BY SAM ALEXANDER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.2 IN THAT A TAX MAP HAS BEEN SUBMITTED. UNANIMOUS APPROVAL.

Section 8.3.2.3 Verification of Title

SAM ALEXANDER MOVED, SECONDED BY JAMES CARIGNAN THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.3 IN THAT A COPY OF THE WARRANTY DEED HAS BEEN PROVIDED. UNANIMOUS APPROVAL.

Section 8.3.2.4 Boundary Survey

DOROTHY CARRIER MOVED, SECONDED BY JOANNE ROGERS THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.4 IN THAT 10 COPIES OF THE STANDARD BOUNDARY SURVEY HAVE BEEN SUPPLIED. UNANIMOUS APPROVAL.

Section 8.3.2.5 Topography

The Planning Board held discussion on waivers of contours, a waiver of precise location of homes on the site plan, proposed area to be drawn in two foot contours, reasoning for waiver of contours, clarity for future use, cost, and codes officer requirements. John Papacosma stated that the property was not flat and felt the 20 foot contour was too large. Mr. Papacosma pointed out that it would be more useful for the Codes office to have a more detailed map.

JAMES CARIGNAN MOVED, SECONDED BY DOROTHY CARRIER TO GRANT THE WAIVER TO ALLOW 20 FOOT CONTOURS RATHER THAN 2 FOOT CONTOURS. UNANIMOUS OPPOSED.

SAM ALEXANDER MOVED, SECONDED BY JOANNE ROGERS, TO WAIVE THE REQUIREMENT FOR 2 FOOT CONTOUR LINES AND INCREASE IT TO 5 FOOT CONTOUR LINES. UNANIMOUS APPROVAL.

DOROTHY CARRIER MOVED, SECONDED BY SAM ALEXANDER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.5 CONDITIONED UPON THE APPLICANT PROVIDING THE PRECISE BUILDING FOOTPRINTS AND LOCATIONS OF LOTS 22 AND 21 ON THE FINAL DRAFT. UNANIMOUS APPROVAL.

Section 8.3.2.6 Encumbrances Affecting the Property

SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.6 CONDITIONED UPON A NEW ROAD MAINTANENCE AGREEMENT BEING SUBMITTED BEFORE FINAL APPROVAL. UNANIMOUS APPROVAL.

Section 8.3.2.7 Acreage of Subdivision and Square Footage of Individual Lots.

DOROTHY CARRIER MOVED, SECONDED BY SAM ALEXANDER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.7 CONDITIONED THAT THE TOTAL ACRAGE FOR LOTS 21 AND 22 WILL BE NOTED ON THE FINAL PLAN. UNANIMOUS APPROVAL.

Section 8.3.2.8 Appropriate Information on Plan

SAM ALEXANDER MOVED, SECONDED BY JOANNE ROGERS THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.8. UNANIMOUS APPROVAL.

Section 8.3.2.9 Abutters

JOANNE ROGERS MOVED, SECONDED BY SAM ALEXANDER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.9 IN THAT ALL ABUTTERS HAVE BEEN NOTIFED IN WRITING. UNANIMOUS APPROVAL.

Section 8.3.2.10 Boundaries and Uses

DOROTHY CARRIER MOVED, SECONDED BY JOHN PAPACOSMA THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.10 BY INDICATING THE SHORELAND ZONE BOUNDRIES ON THE MAP. UNANIMOUS APPROVAL.

Section 8.3.2.11 Cumberland County Medium Intensity Soil Survey

JOANNE ROGERS MOVED, SECONDED BY JAMES CARIGNAN THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.11 WITH THE SUBMISSION OF THE CUMBERLAND COUNTY MEDIUM INTENSITY SOIL SURVEY. UNANIMOUS APPROVAL.

Section 8.3.2.12 Sewage

SAM ALEXANDER MOVED, SECONDED BY JAMES CARIGNAN THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.12 CONDITIONED UPON RECEIPT OF A SEWAGE DESIGN BEFORE FINAL APPROVAL. UNANIMOUS APPROVAL.

Section 8.3.2.13 Water Supply Systems

Sam Alexander, Chair, stated that the requirements of section 8.3.2.13 are not applicable to a minor subdivision.

Section 8.3.2.14 Solid Waste Disposal

JAMES CARRIGAN MOVED, SECONDED BY JOHN PAPACOSMA THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.14 IN THAT THE RECYCLE STATION HAS BEEN IDENTIFIED FOR SOLID WASTE DISPOSAL. UNANIMOUS APPROVAL.

Section 8.3.2.15 Water Quantity

SAM ALEXANDER MOVED, SECONDED BY JOANNE ROGERS THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.15. UNANIMOUS APPROVAL.

Section 8.3.2.16 Roads

DOROTHY CARRIER MOVED, SECONDED BY SAM ALEXANDER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.16 CONDITIONED UPON THE PROPOSED RIGHT-OF-WAY BEING SHOWN ON THE FINAL SITE PLAN. UNANIMOUS APPROVAL.

Section 8.3.2.17 Traffic

Sam Alexander, Chair, stated that the requirements for Section 8.3.2.17 are not applicable to a minor subdivision.

Section 8.3.2.18 Utilities

SAM ALEXANDER MOVED, SECONDED BY JAMES CARIGNAN THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.18 CONDITIONED UPON THE LOCATION OF UTILITIES, ESPECIALLY ELECTRICITY, BEING IDENTIFIED ON THE FINAL PLAN. UNANIMOUS APPROVAL.

Section 8.3.2.19 Flood Hazard Areas

JOANNE ROGERS MOVED, SECONDED BY SAM ALEXANDER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.19 WITH COPIES OF THE FLOOD MAP. UNANIMOUS APPROVAL.

Section 8.3.2.20 Drainage Plan

JOANNE ROGERS MOVED, SECONDED BY SAM ALEXANDER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.20 CONDITIONED THAT APPROPRIATE DOCUMENTATION IS PROVIDED TO THE CODES OFFICE AND THE PLANNING BOARD. UNANIMOUS APPROVAL.

Section 8.3.2.21 Drainage, Soils or Topography Problems

JOANNE ROGERS MOVED, SECONDED BY SAM ALEXANDER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.21 CONDITIONED THAT APPROPRIATE DOCUMENTATION IS PROVIDED TO THE CODES OFFICE AND THE PLANNING BOARD. UNANIMOUS APPROVAL.

Section 8.3.2.22 Hydrogeologic Assessment

JOHN PAPACOSMA MOVED, SECONDED BY SAM ALEXANDER THAT THE REQUIREMENTS OF SECTION 8.3.2.22 DO NOT APPLY. UNANIMOUS APPROVAL.

Section 8.3.2.23 Historic, Archeological, Scenic Resources

JAMES CARIGNAN MOVED, SECONDED BY JOHN PAPACOSMA THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.23 CONDITIONED UPON RECEIPT OF APPROPRIATE DOCUMENTATION. UNANIMOUS APPROVAL.

Section 8.3.2.24 Character

SAM ALEXANDER MOVED, SECONDED BY JAMES CARIGNAN THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.24. UNANIMOUS APPROVAL.

Section 8.3.2.25 Wildlife Habitat

JAMES CARIGNAN MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.25 CONDITIONED UPON RECEIPT OF AN APPROPRIATE RESPONSE FROM THE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE. UNANIMOUS APPROVAL.

Section 8.3.2.26 Parks

SAM ALEXANDER MOVED, SECONDED BY JAMES CARIGNAN THAT THE REQUIREMENTS OF SECTION 8.3.2.26 DO NOT APPLY. UNANIMOUS APPROVAL.

Section 8.3.2.27 Open Space

SAM ALEXANDER MOVED, SECONDED BY JAMES CARIGNAN THAT THE REQUIREMENTS OF SECTION 8.3.2.27 DO NOT APPLY. UNANIMOUS APPROVAL.

Section 8.3.2.28 Homeowners/Landowners Association

SAM ALEXANDER MOVED, SECONDED BY JOANNE ROGERS TO GRANT A WAIVER OF REQUIREMENTS OF SECTION 8.3.2.28 CONDITIONED UPON NEW LOT OWNERS BEING SUBJECT TO THE CURRENT ROAD MAINTENANCE AGREEMENT AS AMENDED BY ANY FUTURE ROAD MAINTENANCE AGREEMENT. UNANIMOUS APPROVAL.

Section 8.3.2.29 Erosion and Sedimentation Control Plan

JAMES CARIGNAN MOVED, SECONDED BY SAM ALEXANDER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.29 CONDITIONED UPON RECEIPT OF WRITTEN EROSION AND SEDIMENTATION CONTROL PLAN FOR THE INTERMITTENT STREAM, WHICH IS ADJACENT TO THE PROPOSED RIGHT-OF-WAY DRIVEWAY. UNANIMOUS APPROVAL.

John Papacosma recommended the applicant look to Subdivision Ordinance Section 9.7 for more specific information.

Section 8.3.2.30 Fencing and Screening

SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER THAT THE REQUIREMENTS OF SECTION 8.3.2.30 DO NOT APPLY. UNANIMOUS APPROVAL.

Section 8.3.2.31 Construction Costs

SAM ALEXANDER MOVED, SECONDED BY JAMES CARIGNAN THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.31 CONDITIONED UPON CONSTRUCTION COST ESTIMATES BEING RECEIVED BEFORE FINAL PLAN APPROVAL. UNANIMOUS APPROVAL.

Section 8.3.2.32 Offshore Islands

JOHN PAPACOSMA MOVED, SECONDED BY SAM ALEXANDER THAT THE REQUIREMENTS OF SECTION 8.3.2.32 DO NOT APPLY. UNANIMOUS APPROVAL.

Section 8.3.2.33 Substantial Improvements

SAM ALEXANDER MOVED, SECONDED BY JAMES CARIGNAN THAT THE REQUIREMENTS OF SECTION 8.3.2.33 DO NOT APPLY. UNANIMOUS APPROVAL.

Section 8.3.2.34 License/Approvals

SAM ALEXANDER MOVED, SECONDED BY JOHN PAPACOSMA THAT THE REQUIREMENTS OF SECTION 8.3.2.34 DO NOT APPLY. UNANIMOUS APPROVAL.

Section 8.3.2.35 Other Information

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.35 WITH FULL INFORMATION PROVIDED AND ADDITIONAL INFORMATION TO BE PROVIDED ON THE FINAL PLAN. UNANIMOUS APPROVAL.

Section 8.3.2.36 Subdivision Revision Application

SAM ALEXANDER MOVED, SECONDED BY JOHN PAPACOSMA THAT THE REQUIREMENTS OF SECTION 8.3.2.36 DO NOT APPLY. UNANIMOUS APPROVAL.

Jay Chace reminded the Planning Board that in Section 8.3.2 the scale requirement is 1 inch equals 50 feet and the Applicant was requesting a waiver to allow a scale of 1 inch equals 60 feet.

SAM ALEXANDER MOVED, SECONDED BY JAMES CARIGNAN TO GRANT A WAIVER OF THE 50 FOOT PER INCH SCALE REQUIREMENT AND ALLOW THE 60 FOOT PER INCH SCALE. UNANIMOUS APPROVAL.

John Papacosma stated that he voted to approve the request for a waiver, but future applicants need to be made aware of the code requirements.

PLANNING BOARD CONSIDERATION OF SUBDIVISION ORDINANCE SECTION 9.

9.1 CONFORMANCE

SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.1. UNANIMOUS APPROVAL.

9.2 MUNICIPAL SERVICES

DOROTHY CARRIER MOVED, SECONDED BY JAMES CARIGNAN THAT THE APPLICANT HAS MET THE APPROVAL STANDARDS OF SECTION 9.2 IN THAT THE APPLICANT IS CREATING ONLY ONE LOT. UNANIMOUS APPROVAL.

9.3 PRESERVATION OF LANDSCAPE

DOROTHY CARRIER MOVED, SECONDED BY JAMES CARIGNAN THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.3 BECAUSE THE APPLICANT IS JUST CREATING ONE LOT AND IS NOT PROPOSING TO REMOVE A GREAT DEAL OF VEGETATION OR TREES. UNANIMOUS APPROVAL.

9.4 LOTS

SAM ALEXANDER MOVED, SECONDED BY JAMES CARIGNAN THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.4 THROUGH 9.4.2. UNANIMOUS APPROVAL.

9.4.3 ALTERNATE LOT SIZE

SAM ALEXANDER MOVED, SECONDED BY JAMES CARIGNAN THAT THE REQUIREMENTS OF SECTION 9.4.3 DO NOT APPLY. UNANIMOUS APPROVAL.

9.5 LAND NOT SUITABLE FOR DEVELOPMENT

SAM ALEXANDER MOVED, SECONDED BY JOANNE ROGERS THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.5. UNANIMOUS APPROVAL.

9.6 REQUIRED IMPROVEMENTS

9.6.1 LOT MARKERS

SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.6.1 CONDITIONED UPON LOT MARKERS BEING IN PLACE BEFORE FINAL APPROVAL. UNANIMOUS APPROVAL.

9.6.2 WATER SUPPLY

9.6.2.1 SUFFICIENT WATER AVAILABLE

JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.6.2.1 BASED ON THE PROFESSIONAL ESTIMATE THAT AN ADEQUATE WATER SUPPLY EXISTS. UNANIMOUS APPROVAL.

9.6.2.2 CENTRAL WATER SUPPLY SYSTEM

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER THAT THE REQUIREMENTS OF SECTION 9.6.2.2 DO NOT APPLY. UNANIMOUS APPROVAL.

9.6.2.3 PLACEMENT OF WELLS

JOHN PAPACOSMA MOVED, SECONDED BY SAM ALEXANDER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.6.2.3 CONDITIONED UPON THE SUBMISSION OF AN APPROVED WASTE WATER DISPOSAL DESIGN. UNANIMOUS APPROVAL.

9.6.2.4 PREVENTION OF INFILTRATION

JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.6.2.4. UNANIMOUS APPROVAL.

9.6.2.5 DRINKING WATER STANDARDS

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.6.2.5. UNANIMOUS APPROVAL.

9.6.3 SEWAGE DISPOSAL

9.6.3.1 SUBSURFACE DISPOSAL

SAM ALEXANDER MOVED, SECONDED BY JOHN PAPACOSMA THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.6.3.1 CONDITION UPON RECEIPT OF AN APPROVED WASTE WATER DISPOSAL DESIGN. UNANIMOUS APPROVAL.

9.6.3.2 SEPTIC SYSTEM LOCATION

SAM ALEXANDER MOVED, SECONDED BY JOHN PAPACOSMA THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.6.3.2 CONDITION UPON RECEIPT OF AN APPROVED WASTE WATER DISPOSAL DESIGN. UNANIMOUS APPROVAL.

9.6.3.3 CLUSTER SEPTIC SYSTEMS

SAM ALEXANDER MOVED, SECONDED BY JOHN PAPACOSMA THAT THE REQUIREMENTS OF SECTION 9.6.3.3 DO NOT APPLY. UNANIMOUS APPROVAL.

9.6.4 FIRE PROTECTION

DOROTHY CARRIER MOVED, SECONDED BY JOANNE ROGERS THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.6.4 IN THAT A TWO ROD EASEMENT HAS BEEN PROPOSED AND THERE IS ADEQUATE WATER SUPPLY IN THE WAY OF A DRY HYDRANT ON THE MOUNTAIN ROAD. UNANIMOUS APPROVAL.

9.7 EROSION AND SEDIMENTATION CONTROL

JOANNE ROGERS MOVED, SECONDED BY SAM ALEXANDER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.7.1. THROUGH 9.7.2.7 WITH THE SUBMISSION AND DOCUMENTATION OF THE EROSION AND SEDIMENTATION CONTROL PLAN. UNANIMOUS APPROVAL.

9.7.3 TOPSOIL

SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.7.3. UNANIMOUS APPROVAL.

9.8 UTILITIES

SAM ALEXANDER MOVED, SECONDED BY JOANNE ROGERS THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTIONS 9.8.1 THROUGH 9.8.2 CONDITIONED UPON UTILITIES BEING IDENTIFIED ON THE FINAL SITE PLAN. UNANIMOUS APPROVAL.

9.9 CONSTRUCTION IN FLOOD HAZARD AREAS

JAMES CARIGNAN MOVED, SECONDED BY SAM ALEXANDER THAT THE REQUIREMENTS OF SECTION 9.9 DO NOT APPLY. UNANIMOUS APPROVAL.

9.10 IMPACT ON WETLANDS

JAMES CARIGNAN MOVED, SECONDED BY DOROTHY CARRIER THAT NO WETLANDS HAVE BEEN IDENTIFIED THEREFORE THE REQUIREMENTS OF SECTION 9.10 DO NOT APPLY. UNANIMOUS APPROVAL.

9.11 IMPACT ON GROUNDWATER

JOHN PAPACOSMA MOVED, SECONDED BY SAM ALEXANDER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.11 THORUGH 9.11.6 CONDITIONED UPON RECEIPT OF A PROPOSED PROFESSIONAL DESIGN FOR THE SEPTIC SYSTEMS AND LOCATION AT DRILLED WELLS. UNANIMOUS APPROVAL.

9.12 STORMWATER MANAGEMENT

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.12 AS THEY APPLY. UNANIMOUS APPROVAL.

9.13 OFFSHORE ISLANDS

SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER THAT THE REQUIREMENTS OF SECTION 9.13 DO NOT APPLY. UNANIMOUS APPROVAL.

9.14 AESTHETIC, CULTURAL, AND NATURAL VALUES

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.14 THROUGH 9.14.6 WHERE APPLICABLE CONDITIONED UPON NOT HEARING ANY EVIDENCE TO THE CONTRARY FROM THE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE. UNANIMOUS APPROVAL.

9.15 TRAFFIC

JAMES CARIGNAN MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTIONS 9.15.2.1 THROUGH 9.15.2.4. UNANIMOUS APPROVAL.

9.15.3 ROAD DESIGN AND CONSTRUCTION STANDARDS

Warren Graybill, Roads Commissioner, described the code requirements and reasoning for the subdivision requirements. Mr. Graybill stated that the road in question met the requirements of the code. The Planning Board held discussion on the definitions of private and public roads as well as town road standards. John Papacosma read section 6.3 of the road ordinance stating that the requirement for a private road is identical to a minor local road and that the road in question meets the minimum width requirement at the narrowest point. Jay Chace, Town Planner, pointed out that the Board may waive the travel way width, shoulder width, or slope requirements.

SAM ALEXANDER MOVED, SECONDED BY JOHN PAPACOSMA THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.15.3 THROUGH 9.15.3.3 IN THAT THE EXISTING ROAD CURRENTLY MEETS THE CODE REQUIREMENTS. UNANIMOUS APPROVAL.

9.16 HOMEOWNERS/LANDOWNERS ASSOCIATION

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.16 THROUGH 9.16.5 AS THERE IS TO BE NO HOMEOWNERS/LANDOWNERS ASSOCIATION. UNANIMOUS APPROVAL.

PLANNING BOARD VOTE ON SUBDIVISION APPLICATION APPROVAL FOR 04-08-01 WILLIAM COOMBS, (THOMAS LEAHY – OWNER), SUBDIVISION REVIEW; PROPOSED LOT DIVISION, INTERIOR, TAX MAP 41-73-1, HOLLY HILL ROAD, HARPSWELL.

SAM ALEXANDER MOVED, SECONDED BY JOHN PAPACOSMA THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9 OF THE SUBDIVISION ORDINANCE WITH THE CONDITIONS NOTED. UNANIMOUS APPROVAL.

ITEM 1

**04-07-03 BRUCE MARTINSON, DIRIGO LAND SERVICES (JOHN MOORE – OWNER) SUBDIVISION REVIEW;
CREATE 10-12 TWO ACRE LOTS, SHORELAND RESIDENTIAL, TAX MAP 12-188, SHORE ACRES ROAD.
(CONTINUED FROM THE AUGUST 18, 2004 MEETING)**

Sam Alexander, Chair, stated that Planning Board member James Carignan was unable to remain to hear this application.

**PLANNING BOARD CONSIDERATION OF OUTSTANDING ITEMS FROM SUBDIVISION ORDINANCE SECTION
8.3.2**

Section 8.3.2.6 Encumbrances Affecting the Property

**SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS MET THE
REQUIREMENTS OF SECTION 8.3.2.6 WITH COPIES OF ALL PROPOSED COVENANTS AND DEED
RESTRICTIONS AFFECTING THE PROPERTY. UNANIMOUS APPROVAL.**

Section 8.3.2.7 Acreage of Subdivision and Square Footage of Individual Lots.

**DOROTHY CARRIER MOVED, SECONDED BY SAM ALEXANDER THAT THE APPLICANT HAS MET THE
REQUIREMENTS OF SECTION 8.3.2.7 IN THAT THE TOTAL ACREAGE OF INDIVIDUAL LOTS HAS BEEN
PROVIDED. UNANIMOUS APPROVAL.**

Section 8.3.2.8 Appropriate Information on Plan

**DOROTHY CARRIER MOVED, SECONDED BY SAM ALEXANDER THAT THE APPLICANT HAS MET THE
REQUIREMENTS OF SECTION 8.3.2.8 AND HAS PROVIDED ALL THE INFORMATION THAT IS REQUIRED AND
THE APPROPRIATE SEALS WILL BE ON THE FINAL SITE PLAN PENDING APPROVAL. UNANIMOUS
APPROVAL.**

Section 8.3.2.11 Cumberland County Medium Intensity Soil Survey

**SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS MET THE
REQUIREMENTS OF SECTION 8.3.2.11. UNANIMOUS APPROVAL.**

Section 8.3.2.12 Sewage

**DOROTHY CARRIER MOVED, SECONDED BY JOANNE ROGERS THAT THE APPLICANT HAS MET THE
REQUIREMENTS OF SECTION 8.3.2.12 BY SUPPLYING SEPTIC DESIGNS FOR NINE LOTS AS PREVIOUSLY
REQUESTED. UNANIMOUS APPROVAL.**

Bruce Martinson pointed out that a note has been added to the site plan with regard to Section 8.3.2.14.

**THE PLANNING BOARD WAS POLLED AND IT WAS AGREED THAT THE APPLICANT HAS MET THE
REQUIREMENTS OF SECTION 8.3.2.14.**

Section 8.3.2.16 Roads

**JOANNE ROGERS MOVED, SECONDED BY JOHN PAPACOSMA THAT THE APPLICANT HAS MET THE
REQUIREMENTS OF SECTION 8.3.2.16 IN THAT THE REQUIRED INFORMATION HAS BEEN PROVIDED ON THE
SITE MAP. UNANIMOUS APPROVAL.**

Section 8.3.2.17 Traffic

**JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS THAT BASED ON THE INFORMATION
PROVIDED IN THE AUGUST 24, 2004 MEMORANDUM THE APPLICANT HAS MET THE REQUIREMENTS OF
SECTION 8.3.2.17. UNANIMOUS APPROVAL.**

Section 8.3.2.18 Utilities

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.18 WITH THE SUBMITTAL OF A LETTER FROM CENTRAL MAINE POWER DATED AUGUST 26, 2004, AND THE APPLICANT'S MEMORANDUM DATED AUGUST 24, 2004. UNANIMOUS APPROVAL.

Section 8.3.2.20 Drainage Plan

JOANNE ROGERS MOVED, SECONDED BY SAM ALEXANDER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.20 IN THAT THE SURFACE DRAINAGE PLAN LOCATIONS HAVE BEEN SHOWN ON THE SITE MAP. UNANIMOUS APPROVAL.

Section 8.3.2.22.2 Hydrogeologic Assessment

SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.22.2. UNANIMOUS APPROVAL.

Section 8.3.2.23 Historic, Archeological, Scenic Resources

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.23 IN THAT A LETTER FROM THE MAINE HISTORIC PRESERVATION SOCIETY DATED SEPTEMBER 9, 2004, INDICATING THAT THE DEVELOPMENT SITES ARE NOT CONSIDERED SIGNIFICANT. UNANIMOUS APPROVAL.

Bruce Martinson asked if there was a vote on the record for section 8.3.2.24. Jay Chace, Town Planner, stated the information was in the Board packages and it had been approved by the Board at the August 18, 2004 meeting.

THE PLANNING BOARD WAS POLLED AND IT WAS AGREED THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.24.

Section 8.3.2.25 Wildlife Habitat

SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 8.3.2.25. UNANIMOUS APPROVAL.

PLANNING BOARD CONSIDERATION OF SUBDIVISION ORDINANCE SECTION 9.

9.1 CONFORMANCE

SAM ALEXANDER MOVED, SECONDED BY JOANNE ROGERS THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.1. UNANIMOUS APPROVAL.

9.2 MUNICIPAL SERVICES

Warren Graybill, Roads Commissioner, stated that this project would not require that a road be built. Mr. Graybill informed the Planning Board that, in his opinion, while the existing road would handle normal traffic, it does not have an adequate base now and heavy construction truck traffic would further denigrate it. Mr. Graybill said that it would be appropriate for the applicant to pay a fee in order to mitigate repair costs to the tax payers. John Moore stated that he was willing to pay a share of the cost for repair to the town road, but would like to have an unbiased fee based upon specific criteria. Mr. Moore pointed out the sections of the town road to be impacted by Kalm Harbour construction traffic on the site map. Mr. Moore offered to contribute the sum of \$3,000.00 per lot for a total of \$27,000.00 with the monies held in escrow as the lots are sold. Mr. Moore reminded the Board of building and drilling activities in the subject neighborhood over the past six years. Warren Graybill, Roads Commissioner, stated that Mr. Moore's offer of \$27,000.00 as a contribution to road repair would be acceptable. Jay Chace, Town Planner, recommended that an engineering study be preformed to accurately determine costs. The Planning Board held discussion on establishing costs, authority of the Planning Board to set fees, road capital improvement plan, light to medium traffic roads, the benefit to Kalm Harbour, and

the need for more information, subdivision requirements, and an independent engineering study to determine the impact of construction traffic on the road.

SAM ALEXANDER MOVED, SECONDED BY JAMES CARIGNAN TO REQUEST THE INPUT FROM THE SELECTMEN ON THESE ISSUES. UNANIMOUS APPROVAL.

9.3 PRESERVATION OF LANDSCAPE

SAM ALEXANDER MOVED, SECONDED BY JOANNE ROGERS THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.3 IN THAT THE APPLICANT HAS PROVIDED DEED RESTRICTIONS AND TREE CUTTING GUIDELINES. UNANIMOUS APPROVAL.

9.4 LOTS

SAM ALEXANDER MOVED, SECONDED BY JOANNE ROGERS THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.4 IN THAT INFORMATION WAS PROVIDED AT THE PRELIMINARY HEARING AND AN UPDATED SITE PLAN HAS BEEN PROVIDED. UNANIMOUS APPROVAL.

9.5 LAND NOT SUITABLE FOR DEVELOPMENT

SAM ALEXANDER MOVED, SECONDED BY JOHN PAPACOSMA THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.5. UNANIMOUS APPROVAL.

9.6 REQUIRED IMPROVEMENTS

9.6.1 LOT MARKERS

SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS MET THE REQUIREMENTS OF SECTION 9.6.1 THROUGH 9.6.3.3. UNANIMOUS APPROVAL.

9.6.4 FIRE PROTECTION

SAM ALEXANDER MOVED, SECONDED BY JAMES CARIGNAN TO REQUEST THE INPUT FROM THE SELECTMEN ON THESE ISSUES. UNANIMOUS APPROVAL.

DUE TO THE LATENESS OF THE HOUR SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER TO CONTINUE APPLICATION NUMBER 04-07-03 UNTIL OCTOBER 4, 2004, AT 6:30 P.M. UNANIMOUS APPROVAL.

There being no other business before the Planning Board, **SAM ALEXANDER MOVED, SECONDED BY DOROTHY CARRIER TO ADJOURN.**

UNANIMOUS APPROVAL.

Meeting adjourned at 10:40 p.m.

Respectfully Submitted,

Marsha M. Hinton
Planning Assistant